IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Crl.MC.No. 298 of 2007()

CC.246/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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PETITIONER:

SHAMEER BABU, S/O.MOHAMMED,
AGED 26 YEARS, KARIMBANCHOLAYIL HOUSE,
CHALIYAMKUNNATH, CHERPULASSERY.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, CHERPULASSERY
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.298 of 2007

Dated this the 7th day of February 2007

O R D E R

The petitioner was the fifth accused in a crime registered interalia under Sections 294 (b) and 506 (1) I.P.C. The petitioner was not available. The case against him has hence been split up and is pending as C.C.No.246/2002 before the J.F.M.C- Ottappalam. The petitioner was employed abroad. He could not therefore appear earlier before the learned Magistrate. Warrant of arrest has been issued against the petitioner by the learned Magistrate. The petitioner is now ready and willing to appear before the learned Magistrate to face trial. But he apprehends that his application for bail may not be considered on merits in accordance with law and expeditiously by the learned Magistrate. It is, in these circumstances that he has come to this court with a prayer for issue of directions under Section 482 Cr.P.C.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before

the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate wound not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner appears before the learned Magistrate on the next date of posting and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006